

## MEMO

**Submitted by:** Gerald Lahr, Energy Programs Manager

**Subject:** Resolution for State Energy Program (SEP) Funding

**Date:** January 6, 2010

### **Executive Summary**

On November 19, 2009, the ABAG Executive Board approved resolution 17-09 authorizing ABAG to apply for and receive funding in response to the California Energy Commission's (CEC) ARRA funded State Energy Program (SEP) RFP. ABAG has subsequently revised the original resolution to be in compliance with new funding guidelines.

**Background.** Upon a request by local member agencies, ABAG took the lead in coordinating with interested local governments in its service territory to submit a regional proposal for the SEP category #2 - California Comprehensive Residential Building Retrofit Program. The proposal was submitted to the CEC on December 21, 2009.

As lead applicant, ABAG is required to pass a resolution authorizing the recipient to enter into the agreement and designate an authorized representative to execute all necessary agreements to implement and carry out the purposes of the award. ABAG passed a resolution on November 19<sup>th</sup>, however new requirements have come to light, and have been incorporated into a revised resolution.

The revised resolution incorporates the following changes:

- Statement authorizing acceptance of award up to \$10,750,000
- Statement indicating compliance with CEQA

### **Recommended Action**

Staff recommends the Board rescind Resolution No. 17-09 and adopt Resolution No. 01-10 which makes certain findings regarding the application of CEQA to the Project and authorizing ABAG to execute all necessary agreements to implement and carry out the purposes of any funds awarded as a result of its SEP 2 funding application.

### **Next Steps**

Notice of proposed award due from the California Energy Commission on February 11<sup>th</sup>.

**Attachments:** Resolution No. 01-10

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 01-10**

**AUTHORIZING SUBMISSION OF A PROPOSAL TO THE CALIFORNIA ENERGY  
COMMISSION (CEC), ENTERING INTO AN AGREEMENT WITH THE CEC, AND  
DESIGNATING A REPRESENTATIVE TO SIGN THE AGREEMENT, AND ANY  
AMENDMENTS THERETO, AND TO ACT ON BEHALF OF PARTICIPATING  
PARTNERS FOR GRANT FUNDING**

**WHEREAS**, the California Energy Commission (CEC) has issued a Request for Proposals #400-09-403 (RFP) for projects to be funded from the American Recovery and Reinvestment Act of 2009 (ARRA) for California Comprehensive Residential Building Retrofit Program of the State Energy Program (SEP); and

**WHEREAS**, the Association of Bay Area Governments (ABAG) is eligible to submit a proposal for such funding as more particularly described in Exhibit A to this resolution (Project); and

**WHEREAS**, ABAG staff has solicited from the Counties of Contra Costa, Marin, San Mateo, Santa Clara, and Solano, the City and County of San Francisco, StopWate.org (Alameda County), the Sonoma County Transportation Authority (Sonoma County), and the Napa County Transportation and Planning Agency (Napa County) (Collaborative Agencies) letters of commitment to participate in the Project as collaborative partners and to provide resolutions from their governing bodies authorizing ABAG to apply for and receive funding for the Project on behalf of each of them; and

**WHEREAS**, the ABAG Executive Board adopted Resolution No. 17-09 authorizing submission of an application and acceptance of funding which resolution does not conform to CEC requirements.

**NOW, THEREFORE BE IT RESOLVED**, by the Executive Board of the Association of Bay Area Governments, that:

- 1) Resolution 17-09 is rescinded; and
- 2) in compliance with the CEQA, the Executive Board finds that the approval of the energy efficiency project described in Exhibit A is a "project" under CEQA that is exempt under CEQA Guidelines Sec. 15378 and Public Resources Code section 21065 because the Project will only fund activities that are either not a "project" under CEQA or is a "project" under CEQA but is exempt; and
- 3) the Executive Board authorizes the submittal of the application to the California Energy Commission's EECBG Program for funds to execute the proposed project described in Exhibit A; and

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 01-10**

- 4) if recommended for funding by the California Energy Commission, the Executive Board authorizes the Association of Bay Area Governments (ABAG) to accept a grant award up to the amount of this application for Ten Million Seven Hundred and Fifty Thousand Dollars (\$10,750,000) and that the Executive Director of ABAG acting for ABAG is hereby authorized and empowered to execute, in the name of ABAG, all necessary contracts and agreements, and amendments hereto, to implement and carry out the purposes specified in the application.

The foregoing adopted by the Executive Board this 21<sup>st</sup> day of January, 2010.

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Mark Green  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 21<sup>st</sup> day of January, 2010.

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Henry L. Gardner  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel

## **Exhibit A**

### Description of Project

On October 8, 2009, the California Energy Commission (CEC) released a Request for Proposal for \$95 million in State Energy Program (SEP) funds.

The CEC will use the SEP competitive grant to fund projects in the following program areas:

- 1) Municipal Financing Program ("AB 811-type programs")
- 2) California Comprehensive Residential Building Retrofit Program
- 3) Municipal and Commercial Building Targeted Measure Retrofit Program
- 4) Low Interest Energy Efficiency Financing Program

Upon a request by local member agencies, ABAG has taken the lead in coordinating with interested local governments in its service territory to submit a regional proposal for the SEP category #2, California Comprehensive Residential Building Retrofit Program. As lead applicant and fiscal sponsor, ABAG in partnership with participating local governments seeks to achieve the following objectives:

- 1) Create competitive regional grant application that maximizes funding for Bay Area residential building retrofit programs by collaborating on program design and implementation.
- 2) Reduce program design and implementation costs for each participating county-wide program through shared activity (cross cutting tasks that benefit all Bay Area programs might include developing model program protocols and procedures, shared list of qualifying contractors, shared regional web-based project tracking system, tools and templates, consumer education resources, contract admin/reporting, etc.).
- 3) Reduce confusion among contractors and homeowners with more program uniformity while maintaining individual county priorities.
- 4) Leverage early adopter programs (e.g. Sonoma County, Alameda County, etc.) which will have developed tools and templates before SEP money has been released.